

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION

Friday, June 9, 2006
(9:15 am - 5:00 pm)

Saturday, June 10, 2006
(9:00 am - 5:00 pm)

SF–State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in Los Angeles, 1149 So. Hill St., Rm. 723. Members of the public who wish to attend this meeting are asked to call Audrey Hollins at 415-538-2167.]

[Chair's note re discussion of action items: Only issues posed in the agenda materials or in an email message sent out no later than June 5, 2006, will be considered at the meeting and, absent a language issue raised by the drafting team or in a timely email message, the language recommended by the drafting team may be deemed approved.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM THE FEBRUARY 3, 2006 and APRIL 7 & 8, 2006 MEETINGS

(Draft action summary for the February 3, 2006 and April 7 & 8, 2006 meetings to be circulated prior to the June meeting.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*Voogd,
Julien
Kehr,

- A. **Consideration of Rule 4-210 [ABA MR 1.8(e)] Payment of Personal or Business Expenses Incurred by or for a Client**
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 1 – 6]***

*Melchior,
Foy,
Lamport

- B. **Consideration of Rule 4-300 [no corresponding ABA Model Rule] Purchasing Property at a Foreclosure or a Sale Subject of Judicial Review**
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 7 – 10]***

*Ruvolo,
Julien,
Vapnek,

- C. **Consideration of Rule 4-400 [ABA MR 1.8(c)] Gifts from Clients**
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 11 – 16]***

*Lamport
Tuft
Voogd

- D. **Consideration of Rule 1.8.1 (Rule 3-300). Avoiding Interests Adverse to a Client**
[anticipated 1 hour discussion]
(Matter carried over. Previously e-mailed materials enclosed.)
[pages 17 – 24]

*Vapnek,
Ruvolo,
Voogd,

- E. **Consideration of Rule 4-200 [ABA MR X] Fees for Legal Services**
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 25 – 84]***

*Tuft
Martinez
Peck

- F. Proposed Rule 5.4 [Rule 1-310X]. Professional Independence of a Lawyer**
[anticipated ½ hour discussion]
(Materials to be distributed prior to June 5, 2006 e-mail comment deadline.)

*Sapiro
Melchior
Martinez

- G. Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 85 – 120]**

*Mohr,
Julien
Peck,
Selegue,
Tuft

- H. Consideration of Rule 3-100 [ABA MR 1.6 & 1.8(b)] Confidential Information of a Client**
[anticipated 1 hour discussion]
((Materials to be distributed prior to June 5, 2006 e-mail comment deadline.)

*Lamport
Foy
Melchior
Mohr
Voogd

- I. Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**
[anticipated 1 hour discussion]
(Materials to be distributed prior to June 5, 2006 e-mail comment deadline.)

*SeLegue
Kehr
Melchior

- J. Consideration of Rule 3-310 [ABA MR 1.7, 1.8, 1.9, 1.10, 1.11] Avoiding the Representation of Adverse Interests**
[anticipated 1 ½ hour discussion]
(Materials enclosed.) **[pages 121 – 156]**

*Martinez/Tuft
Sapiro
Voogd

- K. Consideration of Rule 2-100 [ABA MR 4.2] Communication With a Represented Party**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 157 – 174]**

*Foy
Julien
Peck

- L. Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 175 – 186]**

*Peck
Kehr
Sapiro

- M. Consideration of Rule 4-100 [ABA MR 1.15]] Preserving Identity of Funds and Property of a Client**
[anticipated 1 hour discussion]
(Materials to be distributed prior to June 5, 2006 e-mail comment deadline.)

*Kehr
SeLegue
Foy
*Melchior

- N. Consideration of Rule 3-700 [ABA MR 1.16]] Termination of Employment**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 187 – 190]**

*Tuft
Kehr
Martinez
Peck
Ruvolo

- O. Consideration of Concept of Law Firm Discipline**
[anticipated ½ hour discussion]
(Materials to be distributed prior to June 5, 2006 e-mail comment deadline.)

*Vapnek
Julien
Ruvolo

**P. Consideration of Rules 1-320(B) and 2-200(B) re
Compensation/Rewards for Recommendations Resulting in
Employment**

[anticipated ½ hour discussion]

(Materials to be distributed prior to June 5, 2006 e-mail comment
deadline.)

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

CLOSED SESSION AGENDA*

Friday, June 9, 2006
(9:00 am - 9:15 am)

SF—State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105

- I. **APPROVAL OF CLOSED SESSION ACTION SUMMARY FROM THE FEBRUARY 3, 2006 and APRIL 7 & 8, 2006 MEETINGS**
(Draft action summary for the February 3, 2006 and April 7 & 8, 2006 meetings to be circulated prior to the June meeting.)
- II. **ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**
- III. **ACTION ITEMS.**
 - A. **Emergency action items, if any.**

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.